

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

JORGE GARCIA

Plaintiff,

VS.

LOWE'S HOME CENTERS, LLC

Defendant.

Case No. 3:22-cv-928

NOTICE OF REMOVAL

Defendant, Lowe's Home Centers, LLC ("Defendant"), by its counsel, submits this notice to remove this action pursuant to provisions of 28 U.S.C. §§ 1441, 1446 and 1332, and hereby files its Notice of Removal of civil action to the United States District Court for the Northern District of Indiana, South Bend Division, from the Circuit Court of LaPorte County, Indiana, and respectfully states:

1. Defendant is named in an action now pending in the Circuit Court of LaPorte County, Indiana, the same being Cause No. 46C01-2210-CT-001638, and said Defendant in said action files this Notice of Removal.

2. Plaintiff was at the time of the commencement of said action, and presently is a citizen of the State of Indiana.

3. Defendant is a limited liability company organized and existing under the laws of North Carolina, with its principal place of business in North Carolina. The only member of this limited liability company is Lowe's Companies, Inc., a North Carolina corporation, with a principal place of business in North Carolina, as it was on the date the Complaint was filed and has been since.

4. Thus, the controversy in said action is entirely between citizens of different states of the United States, and Defendant desires to remove said cause from the Circuit Court of LaPorte County, Indiana, to the United States District Court, Northern District of Indiana.

5. Plaintiff commenced this cause of action on October 5, 2022, by filing his Complaint. A copy of the Complaint and Summons was first received by the Defendant on or about October 11, 2022.

6. This Notice is timely pursuant to 28 U.S.C. §1446(b)(2). *Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 119 S.Ct. 1322 (1999).

7. Plaintiff's Complaint alleges a negligence claim against the Defendant in relation to a premises liability incident.

8. Plaintiff's Complaint alleges that Plaintiff "suffered injuries of a personal and pecuniary nature." Correspondence from Plaintiff's attorney indicates that Plaintiff's alleged damages are in excess of \$75,000. As such, the jurisdictional minimum amount in controversy is satisfied and this Court has original jurisdiction of this matter under 28 U.S.C. §1332.

9. Attached hereto as Exhibit A is a complete copy of all process, pleadings, and orders served on Defendant in the state court action.

10. Defendant has served a copy of this Notice of Removal on counsel for Plaintiff and upon receipt of a file-marked copy of this Notice of Removal, it will file a copy of the Notice with the Clerk of LaPorte County, Indiana.

Respectfully submitted,

By s/ Jennifer M. Herrmann
Jennifer M. Herrmann, ID No. 24226-53
Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that a copy of the forgoing was served by the Court's Electronic System and/or First Class Mail on counsel or party of record this November 3, 2022 to:

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s/ Jennifer M. Herrmann

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